

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GUN OWNERS OF AMERICA, Inc., <i>et al.</i> ,  Plaintiffs,  v.  MERRICK GARLAND, <i>et al.</i> ,  Defendants.	Case No. 1:18-cv-1429 HONORABLE PAUL L. MALONEY
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**JOINT STATUS REPORT**

Pursuant to this Court's Order dated March 15, 2022, ECF No. 81, the parties file this Joint Status Report.

1. Plaintiffs initiated this action and sought preliminary injunctive relief in December 2018 against a rule, promulgated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), governing bump stock devices. *See* Compl., ECF No. 1; Mot. for Prelim. Inj., ECF No. 9. This Court denied the motion for preliminary injunction. March 21, 2019 Order & Op., ECF No. 48.

2. Plaintiffs appealed the denial of their motion for preliminary injunction to the Sixth Circuit. *See* Notice of Appeal, ECF No. 49.

3. This Court stayed further proceedings pending that appeal. *See* May 6, 2019 Order, ECF No. 55.

4. A panel of the Sixth Circuit ordered that the denial of the preliminary injunction be reversed and remanded. *See* ECF No. 62. The Sixth Circuit granted en banc review, *see* ECF No. 63 and then affirmed this Court's order denying the preliminary

injunction by an equally divided court, *see* ECF No. 68.

5. Plaintiffs sought a writ of certiorari from the Supreme Court. *See* ECF No. 72. This Court stayed proceedings pending action on the petition by the Supreme Court and ordered the parties to submit a further status report no later than two weeks after the denial of Plaintiffs' petition. *See* March 15, 2022 Order, ECF No. 73.

6. On October 3, 2022, the Supreme Court denied Plaintiffs' petition for certiorari. *See* ECF No. 74. The parties subsequently requested that the Court temporarily lift the stay to allow Defendants to file the administrative record in this matter; the Court granted this request and subsequently re-imposed the stay. *See* ECF No. 78.

7. The parties subsequently requested, and the Court granted, a continuation of the stay while they evaluated the impact of the Fifth Circuit's *en banc* decision in *Cargill v. Garland, et al.*, No. 20-51016 (5th Cir. Jan. 6, 2023), which created a split among the Courts of Appeals regarding the legality of ATF's bump stock rule. ECF No. 81.

8. The United States has now petitioned for a writ of certiorari in the *Cargill* matter. That petition, which directly raises the question whether bump stocks fall within the statutory definition of machineguns, is currently pending. The United States believes that it would constitute an inefficient use of resources for the parties and the Court to proceed to summary judgment in this matter while the Supreme Court's review is ongoing. Accordingly, the United States believes that the Court continue the stay until the Supreme Court issues a final decision in the *Cargill* matter.

9. The Plaintiffs seek an additional 30 days to evaluate the impact and implications of the Defendant's petition for a writ. For present purposes, the United States does not oppose this request.

10. Accordingly, the parties respectfully request that the Court continue the stay until May 15, 2023, and direct the parties to file a joint status report at that time.

Dated: March 14, 2023

Respectfully submitted,

**PENTIUK, COUVREUR & KOBILJAK, P.C.**

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**CERTIFICATE OF SERVICE**

Kerry L. Morgan, on March 14, 2023, e-filed and served the foregoing *Joint Status Report* using this Court's e-filing and e-service system.

/s/Kerry L. Morgan  
Kerry L. Morgan